

Exhibit A

Filed: 1/26/2016 2:23:21 PM
Dana DeBeauvoir
Travis County Clerk
C-1-CV-16-000727
Andrea Scott

CAUSE NO. C-1-CV-16-000727

CLARITA SANCHEZ,	§	
	§	
Plaintiff,	§	IN THE COUNTY COURT NO. <u>1</u>
	§	
v.	§	
	§	
ALLIED PROPERTY AND CASUALTY	§	TRAVIS COUNTY, TEXAS
INSURANCE COMPANY & JOHN WILLIAMS,	§	
	§	
Defendants.	§	

PLAINTIFF'S ORIGINAL PETITION

COMES NOW CLARITA SANCHEZ, Plaintiff in the above-styled civil action, and files this Original Petition, respectfully showing the Court as follows:

I.

DISCOVERY LEVEL

1. Pursuant to Rule 190 of the Texas Rules of Civil Procedure, Plaintiff requests this case be governed under Level 3 discovery plan.

II.

PARTIES

2. Clarita Sanchez is an individual who resides in Travis County, Texas.
3. Defendant Allied Property and Casualty Insurance Company ("Allied") may be served through its Attorney for Service, Corporation Service Company, at 211 East 7th Street, Suite 620, Austin, Texas 78701-3218.
4. Defendant John Williams ("Williams") is an individual employee of Defendant

Allied, and may be served at his primary place of business at One Nationwide Gateway, Department 5574, Des Moines, Iowa 50391.

III.

JURISDICTION

5. Plaintiff brings this suit under Texas state common law and statutory law. The amount in controversy, exclusive of interest and costs, is within the jurisdictional thresholds of this court.

IV.

VENUE

6. Pursuant to Texas Insurance Code § 1952.110, venue is proper in Travis County in that Plaintiff was a resident of Travis County at the time of the collision.

V.

FACTS

7. On or about August 27, 2015, Plaintiff was seriously injured in an automobile collision caused by Alex Hall's negligent operation of a motor vehicle. Alex Hall is an underinsured motorist.

8. Plaintiff was covered by UIM auto insurance from Defendant Allied. The policy provided Plaintiff with \$1,000,000 in coverage for personal injuries arising from an accident with an underinsured or uninsured motorist. The Defendants have refused to negotiate or offer any UIM funds pursuant to the agreement and therefore are in breach.

VI.

CLAIMS FOR RELIEF AGAINST DEFENDANTS

9. Breach of Contract

Defendant Allied has a contractual obligation to pay Plaintiff for the damages Plaintiff incurred in the collision made the basis of this suit. Defendants have failed to comply with the contract between the parties and are therefore liable for breach of contract.

10. Petition for Declaratory Relief

Based on the foregoing facts, and pursuant to the policy of insurance in force and effect between Plaintiff and Defendant Allied at the time of the accident, Plaintiff seeks a declaratory judgment pursuant to Tex. Civ. Prac. & Rem. Code Ch. 37 construing the contract of insurance and declaring Plaintiff's rights and obligations under the contract. Specifically, Plaintiff seeks a finding that the driver the cause of the wreck was an underinsured motorist, that Plaintiff is entitled to recover from Defendant Plaintiff's damages resulting from the motor vehicle collision the subject of this suit, that Plaintiff's damages fall within the coverage afforded Plaintiff under the policy with Defendant Allied, and specifying the amount of damages, attorneys' fees, interest, and court costs that Defendant is obligated to pay.

11. Violations of the Texas Insurance Code and the Duty of Good Faith And Fair Dealing

Defendants have failed to properly investigate Plaintiff's claim and failed to attempt in good faith to settle the claims once Defendant Allied's liability became reasonably clear.

VII.

DAMAGES

12. Defendants' conduct is a proximate and producing cause of damages to Plaintiff. Such damages include, but are not limited to, unpaid benefits, medical expenses, physical impairment, lost earning capacity, and pain and mental anguish. Such damages have occurred in the past and are likely to continue in the future.

VIII.

ATTORNEY'S FEES

13. As a result of Defendants' conduct, Plaintiff has incurred attorney's fees through trial and appeal.

IX.

CONDITIONS PRECEDENT

14. All conditions precedent have been met.

X.

REQUEST FOR JURY TRIAL & REQUESTED RELIEF

15. Plaintiff demands a jury trial. The appropriate fee has been tendered.

16. Plaintiff respectfully requests that this cause be set for trial before a jury, and that Plaintiff recovers judgment from both Defendants for all damages to which she is justly entitled and the jury may determine to be proper, together with pre-judgment and post-judgment interest, cost of suit, and that Plaintiff has such other and further monetary relief from \$100,000 to \$200,000 as she may justly show herself to be entitled.

XI.

REQUEST FOR DISCLOSURE

17. Pursuant to Texas Rule of Civil Procedure 194, Defendants are hereby requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.

XII.

PRAYER

18. WHEREFORE, Plaintiff requests that Defendants be cited to appear and answer, and that, after trial, Plaintiff have judgment against Defendants for:

1. All actual damages;
 - a. Reasonable attorney's fees;
 - b. Declaratory relief as outlined in the petition;
 - c. Prejudgment interest as provided by law;
 - d. Post-judgment interest as provided by law from the date of the judgment until paid;
 - e. Costs; and
 - f. For such other and further relief, both general and special, at law or in equity, to which Plaintiff may show herself justly entitled.

Submitted on January 26, 2016.



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ATTORNEY FOR PLAINTIFF


CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____

COURT (FOR CLERK USE ONLY): _____

STYLED CLARITA SANCHEZ V. ALLIED PROPERTY AND CASUALTY INSURANCE COMPANY & JOHN WILLIAMS
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet: Name: Adam Loewy Address: 111 Congress Ave., Suite 400 City/State/Zip: Austin, TX 78701 Signature:  Email: adam@loewyfirm.com Telephone: 512-280-0800 Fax: 512-900-2991 State Bar No: 24041353		Names of parties in case: Plaintiff(s)/Petitioner(s): Clarita Sanchez Defendant(s)/Respondent(s): Allied Property and Casualty Insurance Company & John Williams [Attach additional page as necessary to list all parties]	Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil		Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input checked="" type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
3. Indicate procedure or remedy, if applicable (may select more than 1):				
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover		